

DONALD R. ANTONELLI  
MELVIN KRAUS  
WILLIAM I. SOLOMON\*  
GREGORY E. MONTONE  
RONALD J. SHORE  
DONALD E. STOUT  
ALAN E. SCHIAVELLI  
CARL I. BRUNDIDGE\*  
PAUL J. SKWIERAWSKI\*  
HUNG H. BUI\*  
ALFRED A. STADNICK\*  
FREDERICK D. BAILEY  
\*ADMITTED OTHER THAN VA

LAW OFFICES  
**ANTONELLI, TERRY, STOUT & KRAUS, LLP**

SUITE 1800  
1300 NORTH SEVENTEENTH STREET  
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 312-6600  
FACSIMILE (703) 312-6666  
email@antonelli.com

OF COUNSEL  
DAVID T. TERRY  
HAROLD A. WILLIAMSON\*  
STERLING W. CHANDLER\*

PATENT AGENT  
LARRY N. ANAGNO

VIA FACSIMILE - 03 PAGES (Including This Cover)

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2004

Commissioner for Patents

MAIL STOP: Amendment

POB 1450, Alexandria, Virginia 22313-1450

TRANSMITTED TO USPTO MAIN FACSIMILE NO. 703-872-9306

RE: Shigeru NAKAMURA *et al.*, US Appl'n No. 10/628,364  
Att'y Docket 500.38285VX1  
Examiner A.M. Psitos - Group AU 2653 - USPTO Conf. No. 5993

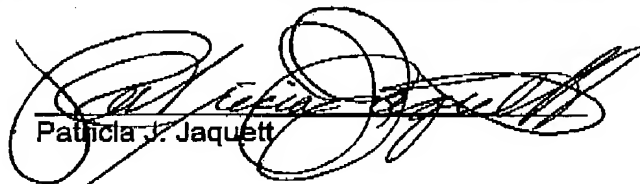
**SUBMISSION OF REQUEST CORRECTED ACTION/RESTART OF PERIOD**

Sir:

Applicant hereby submits the attached REQUEST FOR CORRECTED OFFICE ACTION AND RESTART OF THE PERIOD FOR RESPONSE (2 pages) for entry in the above-noted application.

**CERTIFICATE OF TRANSMISSION:**

I hereby certify that the attached REQUEST FOR CORRECTED OFFICE ACTION AND RESTART OF THE PERIOD FOR RESPONSE (2 pages) is being FORMALLY TRANSMITTED via the USPTO Main Facsimile No. 703-872-9306 on 23 September 2004.

  
Patricia J. Jaquett

**CONFIDENTIALITY NOTICE:** The documents accompanying this facsimile transmission contain confidential information belonging to the sender which is legally privileged. This information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original document to us.

500.38285VX1/E5032-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shigeru NAKAMURA *et al.*  
Serial No. : 10/628,364  
Filed : 29 July 2003  
For : OPTICAL HEAD AND OPTICAL INFORMATION  
MEDIA RECORDING/REPRODUCING  
APPARATUS USING THE SAME  
Group : 2653  
Examiner : A.M. Psitos  
Conf. No. : 5993

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2004

**REQUEST FOR CORRECTED ACTION/RESTART OF PERIOD FOR RESPONSE**

Mail Stop Amendment  
Commissioner of Patents  
POB 1450  
Alexandria, Virginia 22313-1450

23 September 2004

Sir:

Applicant has received an Office Action mailed 27 August 2004 in connection with the above-identified application. Applicant respectfully submits that the Action is incomplete and defective in accordance with 37 CFR §1.104/MPEP §710.06 for the following reasons.

The obviousness-type double patenting rejections made at Items 1-4 spanning pages 2 and 3 of the Office Action indicate that various claims are rejected as being unpatentable over US 6,298,028 B1 in view of JP 09-128794. However, there has been no previous citation of US 6,298,028 B1 in either the prior or present applications, either to or by the Office, nor listing of the patent on the Form PTO-892 for the 27 August Office Action, nor copy of the reference supplied to Applicant.

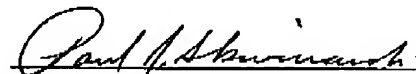
NAKAMURA *et al.*, 10/628,364  
Req. Corrt'd OA/Restart dated 09/23/2004

500.38285VX1/E5032-02  
Page 2

In accordance with 37 CFR §1.104 and MPEP §710.06, the latter of which states in relevant *verbatim*, "[w]here the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant," for the reasons set forth above, Applicant respectfully requests correction of the 27 August Action, and further respectfully requests restart of the period for response.

No Petition or fee is required for the filing of this Request.

Respectfully submitted,



Paul J. Skwierawski  
Registration No. 32,173  
ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 North Seventeenth Street, Suite 1800  
Arlington, Virginia 22209-3801, USA  
Telephone 703-312-6600  
Facsimile 703-312-6666